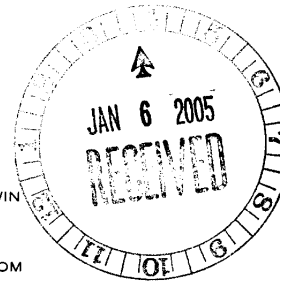


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January 6, 2005

BY HAND

Surface Transportation Board
Attn: Docket No. AB-167 (Sub-No. 1094)A
1925 K Street, NW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JAN - 6 2005

Part of
Public Record

Re: Docket No. AB-167 (Sub No. 1094)A - Chelsea Property Owners -- Abandonment -- Portion of the Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY

Dear Sir or Madam:

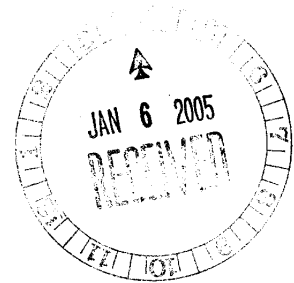
Enclosed for filing in the above case are an original and 10 copies of Friends of the High Line, Inc.'s Statement Regarding Plans for the High Line, Status of Petition To Reopen, and Certain Arguments Relating to Issuance of a CITU. Please file-stamp the enclosed copies of this document and return them to our messenger. Thank you very much.

Sincerely yours,

Carolyn F. Corwin

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-167 (Sub-No. 1094)A

CHELSEA PROPERTY OWNERS – ABANDONMENT –
PORTION OF THE CONSOLIDATED RAIL CORPORATION'S WEST 30TH STREET
SECONDARY TRACK IN NEW YORK, NY

ORIGINAL

FRIENDS OF THE HIGH LINE, INC.'S STATEMENT
REGARDING PLANS FOR THE HIGH LINE,
STATUS OF PETITION TO REOPEN,
AND CERTAIN ARGUMENTS RELATING TO ISSUANCE OF A CITU

ENTERED
Office of Proceedings

JAN - 6 2005

Part of
Public Record

Friends of the High Line, Inc.
P.O. Box 1469
Old Chelsea Station
New York, NY 10113-1469

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1201 Pennsylvania Ave, N.W.
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(202) 662-6000
(202) 662-6291

Attorneys for Friends of the High Line, Inc.

January 6, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-167 (Sub-No. 1094)A

CHELSEA PROPERTY OWNERS – ABANDONMENT –
PORTION OF THE CONSOLIDATED RAIL CORPORATION'S WEST 30TH STREET
SECONDARY TRACK IN NEW YORK, NY

FRIENDS OF THE HIGH LINE, INC.'S STATEMENT
REGARDING PLANS FOR THE HIGH LINE,
STATUS OF PETITION TO REOPEN,
AND CERTAIN ARGUMENTS RELATING TO ISSUANCE OF A CITU

Friends of the High Line, Inc. ("Friends") submits this statement to advise the Board of Friends' position on the current plans for the High Line and to address the status of the Petition to Reopen Friends filed on August 16, 2002. In addition, since Forty Plus Foundation, in its Motion to Dismiss dated December 13, 2004 ("Forty Plus Foundation Motion"), and the 511 West 23rd Street Associates LLC ("511"), in its Motion to Intervene dated December 15, 2004 ("511 Motion"), have belatedly attempted to revive objections regarding issuance of a Certificate of Interim Trail Use ("CITU") in this proceeding, for the Board's convenience, Friends summarizes and updates several arguments it has previously made with respect to such objections.

A. Friends Endorses the City's Plans for the High Line.

Friends is pleased at the progress the City of New York has made in its efforts to achieve a settlement of the dispute in this proceeding and to develop a viable plan for preservation and reuse of the High Line. On September 22, 2004, the City, an agency of the

State of New York, and the railroads filed a Joint Statement, in which the State joined the City in seeking a CITU and the railroads supported the issuance of a CITU. On December 16, 2004, the Chelsea Property Owners (“CPO”) filed a statement withdrawing its opposition to issuance of a CITU, citing a settlement it had reached with the City and other parties.

Friends continues to endorse the City’s plan to preserve the High Line by converting it to trail use. The plan ensures that the line will be available if needed for future rail use and in the meantime develops public uses for the High Line that will help improve and enrich the neighborhood. Friends is working with the City to develop and implement a plan to achieve this goal. Among other things, Friends is working with a design team and architects to refine such a plan and is continuing efforts to ensure that there will be adequate sources of funding to carry out the plan.

B. Friends’ Petition to Reopen Should Be Placed in Abeyance When a CITU Is Granted.

On August 16, 2002, Friends filed a Petition to Reopen this proceeding. This Petition focused exclusively on the consequences of demolition. Friends argued that, if demolition were to proceed, a new historic review must be conducted because, among other things, the High Line structure is now eligible for inclusion on the National Register of Historic Places. Friends also argued that, if demolition were to proceed, a new environmental study must be conducted, because the neighborhoods around the High Line have experienced an economic and cultural renaissance since 1989, and because demolition now would have environmental impacts not considered by the ICC in 1992. Because the railbanking agreement the City is negotiating with the railroads will result in preservation and reuse of the High Line, Friends believes that the Board need not consider the environmental and historic preservation issues that Friends raised in its Petition to Reopen at this time.

If, however, the request for a CITU does not ultimately result in railbanking and preservation of the High Line, and if abandonment and demolition of the High Line structure once again becomes a possibility, then the Board must consider the environmental and historic issues raised in the Petition to Reopen. Friends therefore believes the Board should hold the Petition to Reopen in abeyance, to be taken up in the event interim trail use fails to materialize or ends without a plan for further rail use, and final abandonment again becomes a possibility. The Board should also provide that, should railbanking fail or terminate, the parties will receive notice and Friends will be permitted to update, renew, and re-serve the Petition, as necessary.

The Board should hold the Petition in abeyance instead of dismissing it because the issues raised in the Petition are not mooted simply by the prospect of railbanking in the near term. The potential for future abandonment and demolition continues to exist. The obligation to reassess the risk that demolition would pose to historic structures and the environment does not dissipate with the passage of time. To the contrary, the “passage of time [or] changing perceptions of significance . . . may require” a new historical review, *see* 36 C.F.R.

§ 800.4(c)(1), and federal law imposes on the Board a “continuing duty to gather and evaluate new information relevant to the environmental impacts of its actions,” *Warm Springs Dam Task Force v. Gribble*, 621 F.2d 1017, 1023 (9th Cir. 1980); *see also Southern Oregon Citizens Against Toxic Sprays v. Clark*, 720 F.2d 1475, 1480 (9th Cir. 1983). In addition, the Council on Environmental Quality advises that an environmental review “concerning an ongoing action more than five years old should be carefully examined to determine whether a supplement is needed.” *Clark*, 720 F.2d at 1480; *see also* Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ’s National Policy Act Regulations*, 46 Fed. Reg. 18026, 18036 (Mar. 23, 1981).

Even in the short time since Friends filed its Petition, the neighborhoods around the High Line have changed, and they will no doubt continue to change during the time the High Line is railbanked. For example, since Friends filed its Petition, the City's Landmarks Preservation Commission has announced the designation of the Gansevoort Market Historic District. *See* Attachment A to this Statement. In addition, in February 2004, the New York State Office of Parks, Recreation and Historic Preservation stated its opinion that the High Line meets the criteria for inclusion in the National Register of Historic Places, reversing that office's previous determination of non-eligibility, issued in 1989. *See* Attachment B to this Statement.

In addition, the art galleries in west Chelsea have continued to flourish and have achieved even greater artistic prominence. *See, e.g.,* Blake Gopnik, *For Art Lovers, A Chelsea Morning: New York Gallery Mecca Finally Makes Good on Its Promise*, WASH. POST, Sept. 26, 2004.¹ And the High Line itself is now described as a driving force for change, not just an accidental beneficiary. *See, e.g.,* Richard Pyle, *A Rusty West Side Trestle Has Architects Dreaming: High Line Called Key to Area's Revival*, THE RECORD, July 16, 2004. As The Record article observed:

The High Line . . . is now seen as part of the transformation of a long-neglected swatch of Manhattan. The 20-block stretch along 10th Avenue, below 34th Street, runs from the once-seedy Gansevoort meat-packing district – now a celebrity magnet – to the

¹ The article notes that the art scene has expanded dramatically in the last two years:

About seven years ago, Manhattan's huge gallery scene, by far the largest in the world, moved almost en masse from booming SoHo to the far western reaches of Chelsea, by the Hudson River north of Greenwich Village. Art began to displace the neighborhood's body shops and taxi depots . . . This year the scene seems to have grown, if that's possible. It now takes two full days, morning to night, to visit just the best-known Chelsea galleries.

Hudson rail yards, which could become the site of a football stadium for the New York Jets and 28 million square feet of new office space.

Placing the Petition in abeyance is also appropriate because requiring Friends to re-file its petition in the event trail use either fails or ceases could prejudice Friends' ability to have these important issues heard. It appears that, as a procedural matter, any petition to reopen must be filed before the abandonment has been consummated and in any event no later than 15 days after the abandonment decision is served. 49 C.F.R. § 1152.25(e)(2)(i); *CSX Transp. Inc. – Abandonment – Between Bloomington & Montezuma, in Parke County, IN*, ICC Docket No. AB-55 (Sub-No. 486), Decision served Sept. 13, 2002. In addition, any petition to stay the effect of an abandonment decision must be filed 15 days before the “effective date of the abandonment authorization.” *Id.* § 1152.25(e)(iii). Thus, in the event the railbanking plans fail or railbanking eventually terminates, Friends could have a very limited time within which to update and refile its Petition to Reopen before the abandonment becomes administratively final.

C. Recent Objections to Issuance of a CITU Are Without Merit.

Despite the City's remarkable success in bringing divergent interests together in support of its plans for public use of the High Line, two entities have recently articulated objections to issuance of a CITU. So far as we can tell, 511 (a property owner) is raising objections in an effort to win even more benefits than the City has offered as incentives for property owners to support a settlement. However, property owner objections are not a basis for denying a CITU. The other entity, the Forty Plus Foundation, is primarily interested in pursuing a feeder line application it filed recently -- apparently a last-minute effort to derail the City's plans. While Friends questions the timing, and also the financial viability, of the Forty Plus Foundation's proposal, those issues will be addressed in Finance Docket No. 34606.

Both the Forty Plus Foundation and 511 question whether railbanking is appropriate in an adverse abandonment proceeding, *see* Forty Plus Foundation Motion at 8-9; 511 Motion at 19-21.² Friends previously submitted a paper showing that railbanking is available in any sort of abandonment proceeding, including an adverse abandonment. *See* August 26, 2003 Submission. For the Board's convenience, we summarize and update the arguments we made previously on this point. We also address briefly Forty Plus Foundation's suggestion that the High Line will be severed from the national rail system.

1. *Railbanking Is Available in an Adverse Abandonment Proceeding.*

The Forty Plus Foundation asserts that railbanking "has never been available in an adverse abandonment proceeding," *see* Forty Plus Foundation Filing at 8-9. This is simply not true. The United States Supreme Court decision that held railbanking constitutional, *Preseault v. ICC*, 494 U.S. 1 (1990), involved an adverse abandonment. The petitioners in *Preseault* were two trustees of the Diocese of Vermont and a lodge of the Benevolent and Protective Order of Elks, all of whom represented adjacent land owners with potential reversionary interests in a railroad right-of-way.³ The petitioners sought a certificate of abandonment from the ICC. The State of Vermont intervened to oppose the abandonment and it, along with the Vermont Railway, requested that the right-of-way to be transferred to the city of Burlington for use as a public trail. *Id.* In denying the petitioners' request for a certificate of abandonment, the Commission noted that "[i]nvariably, interim trail use will conflict with the reversionary rights of adjacent land owners, but that is the very purpose of the Trails Act." *Id.* at 10 (quoting *State of Vermont &*

² The railroads have apparently satisfied themselves that railbanking is appropriate in the case of an adverse abandonment proceeding. *See* Joint Statement, p. 4.

³ *See State of Vermont & Vermont Ry. – Discontinuance of Service Exemption in Chittenden County, VT*, 3 I.C.C. 2d 903, 904 (1987).

Vermont Ry. – Discontinuance of Service Exemption in Chittenden County, VT, 3 I.C.C. 2d 903, 908 (1987)). Neither the Court nor the ICC suggested that railbanking would be inappropriate in an adverse abandonment setting.

In recent decisions the Board appears to have recognized that the railbanking statute applies in adverse abandonment proceedings. For example, in *Yakima Interurban Lines Assoc. -- Adverse Abandonment -- in Yakima County, WA*, STB Docket No. AB-600, Decision served Feb. 13, 2004, p. 3, the Board in an adverse abandonment proceeding, stated that it would entertain a request to waive trail use procedures at a later time. In *Salt Lake City Corp. -- Adverse Abandonment of Line of Union Pac. R.R. Co. -- in Salt Lake City, Utah*, STB Docket No. AB-33 (Sub-No. 183), Decision served Dec. 14, 2001, p. 4, an environmental assessment in an adverse abandonment proceeding stated that a “request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register.” The Board and its staff presumably would not make such statements unless they believed that railbanking is an option in an adverse abandonment case.

The conclusion that railbanking is appropriate in the context of an adverse abandonment proceeding is consistent with the relevant statute and regulations. The National Trails System Act, 16 U.S.C. § 1247(d), authorizes the Board to issue a CITU in any abandonment proceeding, so long as certain statutory prerequisites are met. The statute provides that, where these prerequisites are satisfied, the Board “shall not permit abandonment or

discontinuance inconsistent or disruptive of' interim use as a trail. 16 U.S.C. § 1247(d). The statute does not exclude any category of abandonment.⁴

The regulations implementing the railbanking statute also make no distinction between lines for which the railroad seeks abandonment and those for which another party seeks adverse abandonment. Indeed, as the Commission noted in a 1994 study that examined its responsibilities under various statutes, "[i]n every abandonment proceeding, the public is . . . given an opportunity to negotiate voluntary agreements to use the line as a recreational trail" *Study of Interstate Commerce Commission Regulatory Responsibilities Pursuant to Section 210(A) of the Trucking Industry Regulatory Reform Act of 1994*, 1994 WL 639996, at *31-32 (Oct. 25, 1994) (commenting on the railbanking statute).

Moreover, the policy considerations underlying the Board's authority to grant an adverse abandonment request are entirely consistent with the policy considerations underlying the railbanking process. In an abandonment proceeding – whether adverse or voluntary – the Board's responsibility is to determine whether abandonment or preservation for the purpose of potential transportation use is in the public interest. *See* 49 U.S.C. § 10903; 49 C.F.R. § 1152. The purpose of the railbanking statute is to keep rail easements available for potential future transportation use. Accordingly, the policy considerations underlying adverse abandonment and railbanking are compatible.⁵ Indeed, because the railroad in an adverse abandonment proceeding

⁴ Moreover, there is nothing in the legislative history that suggests that Congress intended any distinction between voluntary and adverse abandonment proceedings with respect to the public interest in railbanking.

⁵ Even where the Board concludes that rail service is not currently economic, there is a public interest in preserving a line for future use, when economic circumstances may have changed. *See Preseault*, 494 U.S. at 19 ("Congress apparently believed that *every line* is a potentially valuable national asset that merits preservation even if no future rail use for it is (continued...)

is opposed to abandonment and instead wishes to keep a line within the Board's jurisdiction for possible future transportation use, railbanking is arguably more consistent with an adverse abandonment proceeding than with a voluntary abandonment proceeding.

In any event, so long as the statutory criteria for railbanking are met, Congress has already determined that preserving the line for future transportation use – as opposed to abandonment – is in the public interest. *See Preseault*, 494 U.S. at 6; *cf.* 49 C.F.R. § 1152.29(b)(1)(ii). No further public interest inquiry is needed.

2. *The “Severance” Argument Is Without Merit.*

At one point, Forty Plus Foundation suggests that the City intends to take action that will sever the High Line from the national rail system. *See* Forty Plus Foundation Motion, p. 9. Much of this argument appears to have no foundation in light of the City's current position in favor of preserving the High Line. To the extent Forty Plus Foundation is referring to the plans to build a stadium near the northern end of the High Line, it is by no means certain that these plans will come to fruition. There is still considerable dispute about the stadium, and it is uncertain whether any part of the High Line will ultimately be affected.

Even if the new stadium is eventually built, and a portion of the High Line structure must be torn down to accommodate that construction, there should be no severance of the High Line from the national rail system. As Friends understands the current plan, no part of the High Line structure will be taken down until the High Line easement has been relocated in a manner that would preserve a connection with the national rail system and the possibility of

currently foreseeable.”) (emphasis added). A line constitutes a potentially valuable asset, regardless of the nature of the abandonment request.

resumption of rail service. We believe that relocation of the easement is part of the settlement the City has brokered.

Friends has previously explained that Board jurisdiction over a line will continue so long as there is an easement that provides a connection to the national rail system. *See* Friends of the High Line, Inc.'s Reply to Chelsea Property Owners' Petition for a Declaratory Order, Finance Docket No. 34259, *Chelsea Property Owners - Petition for Declaratory Order, Highline*, filed October 23, 2002, pp. 15-24. Authorities that support this conclusion include Docket No. AB-389 (Sub-No. 1X), *Georgia Great S. Div., South Carolina Central R.R. -- Abandonment & Discontinuance Exemption -- Between Albany & Dawson, in Terrell, Lee, & Dougherty Counties, GA*, Decision served April 16, 1999, p. 6 ("[I]t is consistent with the common carrier obligation of a railroad for the carrier to sell the underlying assets of rail line while retaining an easement that is sufficient for carrying out rail operations."); Finance Docket No. 32764, *State of Maine, Department of Transp. -- Acquisition Exemption -- Certain Assets of Belfast & Moosehead Lake R.R.*, Decision served Nov. 14, 1995; *Maine, DOT -- Acquisition Exemption -- Maine Central R.R.*, 8 I.C.C.2d 835 (1991). A recent railbanking decision supports the view that a line may be railbanked so long as a replacement easement permits the line to be reconnected to the national rail system. *See* STB Docket No. AB-33 (Sub-No. 158X), *Union Pacific R.R. - Abandonment Exemption - in McPherson, Ellsworth & Rice Counties, KS*, Decision served Aug. 28, 2003 (granting extension of time to negotiate for railbanking of a segment after railroad donated property in response to Board's concern about whether the segment had been severed from the national rail system); *id.*, Decision served Mar. 29, 2002, pp. 2, 3 (granting leave to submit evidence to show why segment continued to qualify for railbanking).

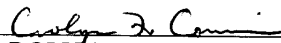
Because the High Line is currently connected to the national rail system, there is no obstacle to railbanking of the line. To the extent the Board may be concerned about the prospect of a future severance, the acquisition of a replacement easement prior to any removal of a portion of the High Line structure should address this concern.

CONCLUSION

Upon grant of a CITU for the High Line, the Board should hold Friends' August 16, 2002 Petition to Reopen in abeyance and provide that Friends may update and renew the Petition in the event that interim trail use fails to materialize or terminates at some future point and final abandonment and demolition are once again an option for the High Line. In addition, the objections raised by the Forty Plus Foundation and 511 regarding the propriety of a CITU should be rejected for the reasons described above and in Friends' prior filings.

Respectfully submitted,

Friends of the High Line, Inc.
P.O. Box 1469
Old Chelsea Station
New York, NY 10113-1469


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(202) 662-6291

Attorneys for Friends of the High Line, Inc.

January 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing are being served this 6th day of January, 2005, by first-class mail, postage prepaid, or hand-delivery, upon the following persons:

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Washington, DC 20007

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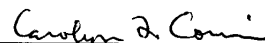
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Michael A. Haskell
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Mineola, New York 11501


Carolyn F. Corwin

ATTACHMENT A



The New York City Landmarks Preservation Commission

1 Centre Street New York NY 10007 TEL: 212-669-7923 FAX: 212-669-7797

<http://nyc.gov/landmarks>



News Release
September 9, 2003

Contact: Diane Jackier
(212) 669-7923

MAYOR MICHAEL R. BLOOMBERG AND LANDMARKS CHAIR ROBERT B. TIERNEY ANNOUNCE DESIGNATION OF THE GANSEVOORT MARKET HISTORIC DISTRICT

Historic District Will Unify The West Side Of Manhattan For The Next Century

Mayor Michael R. Bloomberg and Chair of the Landmarks Preservation Commission, Robert B. Tierney, announced today the designation of the Gansevoort Market Historic District. The Gansevoort Market is Manhattan's only tangible reminder of the late 19th- and 20th- century period when working piers dotted the lower Hudson River and indoor and open-air markets filled most of the West Side. Today, the Gansevoort Market Historic District survives as a vibrant neighborhood of meatpackers, retail commerce, restaurants, offices, clubs, galleries and apartments.



The Gansevoort Market Historic District is the southern anchor of the City's plans for the Far West Side. The historic character, combined with its dynamic mixed-use environment, make it a destination for New York businesses and residents alike. It is also home to the southern tip of the High Line, the elevated rail line that runs from Gansevoort Street through Chelsea into the Hudson Yards. When the High Line is rehabilitated into a world-class park, the Gansevoort Market District will serve as its key point of entry.

"We are very excited by the critical role that the Gansevoort Market Historic District, with its unique sense of place and historic importance, will play in the development of the Far West Side," said Mayor Bloomberg. "This is just the first of several key projects, including the restoration of the High Line, the construction of Hudson River Park, and the development of the Hudson Yards, that form the core of the Administration's plans for the Far West Side. When completed, these projects will revitalize the West Side of Manhattan, forming a necklace of dynamic waterfront communities, each with their own unique assets."

The restored High Line will complement another important area asset, Hudson River Park. These two open space networks will allow New Yorkers to travel easily from the Gansevoort Market District to the Hudson Yards area. The Administration has made the redevelopment of the Hudson Yards, including the creation of new open space and additional commercial and residential space, a top economic development priority. The designation of the Gansevoort Market district is an important first step in achieving the Administration's long-term goals for the Far West Side.

The earliest buildings in the district are Greek Revival residences from the 1840s. Commercial development intensified by the end of the 19th century, when two municipal markets opened in the vicinity. After the Manhattan Refrigeration Company provided the underground infrastructure for refrigeration in the district in 1906, older buildings began to be converted to market uses. By World War II, poultry and meat packing had consolidated as the main commercial activity within the district. The district's street layout, with its distinct Belgian block paving, is shaped by the transition between the irregular grid pattern of Greenwich Village and the grid of the 1811 Commissioner's Plan, which provide for unusually large and open intersections and create unique public spaces, particularly where Ninth Avenue meets West 14th Street and Gansevoort Street.

"The Gansevoort Market Historic District's streetscapes tell the story of a neighborhood that has evolved over the last 150 years," said Robert B. Tierney. "Its unique sense of place is evident to anyone who walks through the district."

###

The Landmarks Preservation Commission is the New York City agency responsible for designating and regulating New York City's landmarks.

ATTACHMENT B

PARKS PLANNING

Fax: 212-360-3453

Oct 27 '04 17:11

P.02



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peabody Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

ATTACHMENT B

February 20, 2004

Nathan Riddle
Historian
Allee King Rosen & Fleming
117 East 29th Street
New York, New York 10016-8022

RE: No. 7 Subway Extension- Hudson Yards Rezoning and Redevelopment
New York County, NY
03PR00864

Dear Mr. Riddle:

Thank you for your very thorough documentation on the High Line. I have reviewed the documentation that you provided in accordance with the provisions of Section 14.09 of the New York State Historic Preservation Act of 1980.

Based on the new information on the High Line it is our opinion that the resource meets the criteria for inclusion in the National Register of Historic Places. This reverses our previous determination of non-eligibility done in 1989 as part of the Route 9A project. The Resource Evaluation for the High Line is enclosed with this letter.

If you have any questions regarding this review, please call me at (516) 237-6643, ext. 3266. Please refer to the Project Review (PR) number noted above in any correspondence.

Sincerely,

Kathleen A. Howe
Historic Preservation Specialist

cnc: Resource Evaluation

cc: Robert Doburskin, NYC Dept. of City Planning
Gina Santucci, LPC
Kellie Wells, MTA NYC Transit

PARKS PLANNING

Fax: 212-360-3453

Oct 27 '04 17:12

P.03



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peabody Island, PO Box 189, Waterford, New York 12186-0189

518-207-8841

RESOURCE EVALUATION

DATE: 2/20/04

STAFF: Kathy Howe

PROPERTY: The High Line

MCD: Manhattan

ADDRESS: vicinity of Tenth Ave. from Gansevoort St.
to W. 34th St.

COUNTY: New York Co.

PROJECT REF: 03PR00864

USN: 06101.014609

1. ☐ Property is individually listed on SR/NR:
name of listing:
- ☐ Property is a contributing component of a SR/NR district:
name of district:
2. ☒ Property meets eligibility criteria.
- ☐ Property contributes to a district which appears to meet eligibility criteria.
- Pre SRB: ☐ Post SRB: ☐ SRB date

Criteria for Inclusion in the National Register:

- A. ☒ Associated with events that have made a significant contribution to the broad patterns of our history;
- B. ☐ Associated with the lives of persons significant in our past;
- C. ☐ Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. ☐ Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

Completed by the New York Central Railroad in 1934 to replace its on-grade Tenth Avenue tracks, the High Line was a key component of the Lower West Side's unparalleled commercial transportation advantages. The 1.45-mile steel and concrete viaduct, abandoned since 1980, is located almost 30 feet above grade and today runs from Gansevoort Street to West 34th Street, roughly parallel to Tenth Avenue.

The High Line satisfies Criterion A as a significant transportation structure important to New York City's twentieth-century industrial development. The High Line connected the industrial concerns along its route with regional and national markets. The general objective of the High Line was to facilitate the movement of raw materials and products in and out of this industrial section of the city. The viaduct

PARKS PLANNING

Fax: 212-360-3453

Oct 27 '04 17:12 P.04

passed through or along many industrial buildings.

The rise of trucking in the 1950s led to a drop in rail freight on the High Line, and in the 1960s, the southernmost portion, between Bank and Clarkson Streets, was torn down. In 1993, the southern section between Bank and Little West 12th Streets was demolished. In the early 1980s, the northern section of the High Line between West 34th and West 35th Streets was demolished for construction of the Jacob K. Javits Convention Center. Despite the removal of these sections, the High Line retains much of its historic integrity and is a visual reminder of one of Manhattan's important industrial transportation corridors.

PARKS PLANNING

Fax: 212-360-3453

Oct 27 '04 17:12 P.05

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Environmental and Planning Consultants

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Transmittal FormDate: January 27, 2004To: Kathy Howe

_____From: Nathan Riddle
Phone: 212-340-8765
_____Job Title: No. 7 Subway Extension-
Hudson Yards Rezoning
and Development
Program

Job No.: _____

Enclosed for your review is the requested documentation of the High Line. Please do not
hesitate to call me if you have any questions or request further information.

cc:

A handwritten signature in dark ink, appearing to read 'Nathan J. Riddle'.

Nathan Riddle, Historian

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MEMORANDUM

TO: Kathy Howe, New York State Office of Parks, Recreation and Historic Preservation

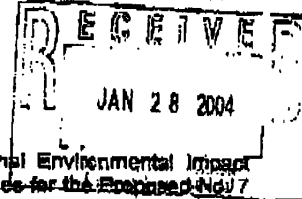
FROM: Nathan Riddle, Historian

DATE: January 23, 2004

RE: CM-1189R/C-26501- Preparation of a Draft and Final Environmental Impact Statement and Provision of Transit Engineering Services for the Proposed No. 7 Subway Extension-Far West Midtown Manhattan Rezoning

SUBJECT: High Line Documentation

CIN: MTA-NYCT/CM 1189R-C26501-00-C-1.00-NOP-04F-1968



As requested in your letter dated October 30, 2003, I have prepared a brief document regarding the section of the High Line that runs north of the National Register-eligible Gansevoort Market Historic District from West 16th Street through the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Project Area. The discussion below provides a brief description of the High Line's route, its appearance and structure, and alterations to it. The full length of the High Line between West 16th and West 34th Streets was photographed in November 2003. The original photographs, which are keyed to a map, are included as part of this document.

ROUTE AND BRIEF DESCRIPTION

The High Line is an unused railroad viaduct on the west side of Manhattan that was completed in 1934 to carry freight on the New York Central Lines. It was built as part of the West Side Improvement Project that included removal of the at-grade New York Central freight railroad from West Street and Tenth Avenue, creation of a new railroad viaduct to minimize traffic conflicts at grade, and construction of the West Side Highway.

Between West 16th Street and West 34th Street, the High Line runs along Tenth Avenue until it turns west at West 30th Street to run along Twelfth Avenue (Route 9A) between West 30th and West 34th Streets (see Figure 1). Figures 2 through 23 contain captioned, scanned photographs of the High Line that are keyed to the map on Figure 1. The attached original photographs are also keyed to the map.

Between West 16th and West 18th Streets, the High Line passes through the National Biscuit Company's Tenth Avenue Bakery building at 78-82 Tenth Avenue. From the Bakery building, a spur crosses over Tenth Avenue to the former Merchants Refrigerating Company Warehouse at 99-111 Tenth Avenue, which was built in 1917 (see view 2 of Figure 2). After it leaves the Bakery building, the High Line moves north over West 18th Street, traversing the southwest corner of the block bounded by West 18th and West 17th Streets, and Tenth and Ninth Avenues (see view 1 of Figure 2). Just south of West 17th Street, it curves across Tenth Avenue, where there is a large, squarish platform over the avenue (see view 2 of Figure 2), to then run mid-block northward for thirteen blocks between Tenth and Eleventh Avenues to the former New York Central Railroad 30th Street Freight Yard.

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Street—the viaduct has steel stanchions located in the sidewalks (see view 11 of Figure 7 and view 34 of Figure 18).

South of West 30th Street as the High Line passes over blocks supported on steel stanchions, it has a more utilitarian appearance with concrete parapets and simple tubular steel railings. North of West 30th Street, the loop track and the West 30th Street spur to the Morgan General Mail Facility present a more decorative appearance because they front on streets. Along West 30th Street, both the loop track and spur have a concrete parapet simply ornamented with recessed panels and a tubular steel railing broken up with square concrete posts (see view 33 of Figure 18). The paneled parapet form is also used on a small section of the spur where it faces Tenth Avenue on the north side of the avenue platform (see view 29 of Figure 16). As it parallels Twelfth Avenue between West 30th and West 33rd Streets, the loop track viaduct uses the decorative steel parapet and railing forms used on the trestles to the south.

At West 33rd Street, the High Line changes appearance due to the early 1980s reconstruction (see below). The portion of the loop track that curves northeastward from West 33rd Street to parallel West 34th Street has a modern, concrete and steel beam and girder form, and it is supported on concrete abutments (see view 44 of Figure 23).

Interesting applied features on the High Line are two identical painted signs on the trestles over West 27th and West 28th Streets. Each sign reads "Central" with a curved arrow pointing downward to the block between West 27th and West 28th Streets (see view 18 of Figure 10 and view 21 of Figure 12). On the West 27th Street trestle, the sign is located on the east side, and on the West 28th Street trestle, the sign is located on the west side. The space under the viaduct at this location is currently occupied by a recycling scrap yard. Based on apparent paint deterioration and text style, the signs appear to be historic, but a review of historic Sanborn Fire Insurance Maps from 1930, 1951, and 1976 did not reveal what the signs might have originally indicated, although an unspecified 1-story express depot/freight terminal was located at 303-309 Tenth Avenue between at least 1951 and 1976.

MAJOR ALTERATIONS

Except for rusting and spalling of some of the steel and concrete elements of the viaduct, the High Line appears to retain much of its integrity between West 16th and West 33rd Streets. Major visible alterations to the elevated rail line include the following:

- The former connection between the High Line spur at West 16th Street and the Merchants Refrigerating Company Warehouse has been sealed. Although the opening has been infilled with masonry, the spur still abuts the building (see view 2 of Figure 2).
- After a 1988 fire gutted the interior of the Morgan General Mail Facility, the building's connection to the High Line was broken as part of a restoration completed in 1974. The original opening in the building was sealed with masonry and a wide section of the rail spur over the sidewalk was removed (see view 28 of Figure 5-15). At this location, some of the spur's decorative parapet and railing was lost, and a non-original railing was placed at the spur's truncated edge (see view 29 of Figure 5-16).
- In the early 1980s, a section of the High Line between West 34th and West 35th Streets was demolished for construction of the Jacob K. Javits Convention Center. The High Line loop track originally traversed West 34th Street and then curved northeastward to

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parallel West 35th Street, eventually passing under Eleventh Avenue and connecting to the north-bound rail cut east of Tenth Avenue. At that time, the portion of the High Line between West 33rd and West 34th Streets was rebuilt to its current configuration that maintains the connection to the north-bound rail cut. The rebuilt section is structurally different from the rest of the viaduct, as discussed above. It is not known if the trestle over West 33rd Street is original, but it is similar in appearance to the trestle over Eleventh Avenue, which appears to be part of the original 1930s construction.

In addition, it is expected that openings in the Spear & Company Warehouse at 511-525 West 22nd Street to the former viaduct siding have been sealed because the former warehouse has been converted to condominiums. It is not known if the loading platform at the former R.C. Williams & Company building is intact.

MINOR ALTERATIONS

Minor removable alterations to the High Line include numerous attached billboards that are found on most of the trestles between West 18th and West 30th Streets. In general, these billboards tend to be small and only located on one side of a trestle, facing the direction of traffic on the one-way side streets. Numerous large billboards are attached to the platform over Tenth Avenue at West 30th Street. There are two on the south side of the viaduct, along with directional signs to the Lincoln Tunnel, and there are two on the west side of the platform overlooking east-bound traffic on West 30th Street. A large billboard is attached to the west side of the trestle over West 33rd Street.

Barbed wire at the parapet is found at numerous locations along the High Line, especially where it abuts low-rise buildings or traverses over 1-story infill structures. In some locations, chain link or solid metal fencing is placed along the railings (see view 8 of Figure 5 and view 21 of Figure 12). In addition, numerous corrugated metal barricades are located on the track level to prevent people from walking along the viaduct (see view 23 of Figure 13).

North of West 20th Street, there are small 1-story infill structures under most sections of the High Line. A recycling scrap yard is located under the viaduct on the block between West 27th and West 28th Streets. By 1961, small storage, garage, and repair shops were located under sections of the High Line, along with junk yards and auto parking. From the street, the existing infill buildings in general appear to have been constructed around the viaduct structural supports. In certain locations—on West 26th, 27th, 28th, and 29th Streets—the viaduct stanchions, and occasionally the platform structure, can clearly be seen within the infill structures.

cc:

Robert Dobruskin, Director EARD, NYC Department of City Planning

Emil Dul, NYCT

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As the High Line passes over the block between West 17th and West 18th Streets, there are a series of triangular projections on the viaduct's west side as it curves from its location across Tenth Avenue to meet its northward trajectory (see Figure 3). A staircase leads from the ground to the rail level on the viaduct's west side close to West 17th Street.

From West 18th Street to West 29th Street, the High Line runs in a relatively linear path over small Infill buildings, parking lots, and junk yards (see Figures 4 through 14). It widens between West 22nd and West 23rd Streets, and there is a private siding to the former Spear & Company furniture warehouse at 511-625 West 22nd Street, which was built in 1931 and is also located at 524-532 West 23rd Street. The small 2-story building at 507 West 24th Street has a small loading shed that abuts the High Line and is indicated on a Sanborn Fire Insurance Map from 1951 (see view 14 of Figure 8). The former R.C. Williams & Company grocery warehouse, built in 1927 and located at 259-273 Tenth Avenue (at West 25th Street), also has a private elevated loading platform. The New York Central Railroad made its first delivery from the elevated track to the R.C. Williams & Company warehouse in 1933 (see view 15 of Figure 8).

At West 29th Street, the High Line begins to curve west to run along the north side of West 30th Street toward Twelfth Avenue, forming a loop track around the former 30th Street Freight Yard (now the Long Island Rail Road Cammerer Yards). At West 30th Street, a spur runs east to Tenth Avenue, where there is a large, double-track platform over the avenue adjacent to the United States Postal Service Morgan General Mail Facility that was built in 1933 and occupies the block between West 30th and West 31st Streets, and Tenth and Ninth Avenues (see Figures 15 through 17). The platform over Tenth Avenue originally connected to the Morgan General Mail Facility to allow mail trains to simultaneously enter and leave the building.

Along the north side of West 30th Street between Tenth and Eleventh Avenues, both the eastward spur and the loop track viaduct run above a connected series of 1-story brick warehouses built in 1938 for the Metal Purchasing Company (see view 33 of Figure 18 and view 35 of Figure 19). The loop track viaduct crosses over Eleventh Avenue and then curves northward as it reaches Twelfth Avenue (see Figures 19 through 21). It then runs north, crossing over West 33rd Street, at which point it declines on a ramp that curves eastward to parallel West 34th Street (see Figures 22 and 23). The rail line eventually runs at-grade on an embankment and then proceeds below-grade to Eleventh Avenue, which it passes under to connect to a north-bound rail cut—that runs between Eleventh and Tenth Avenues—that originally ran to the New York Central Railroad 60th Street Yard and that now serves as the Amtrak Empire Line. As discussed below, the northernmost section of the viaduct was reconstructed in the early 1980s.

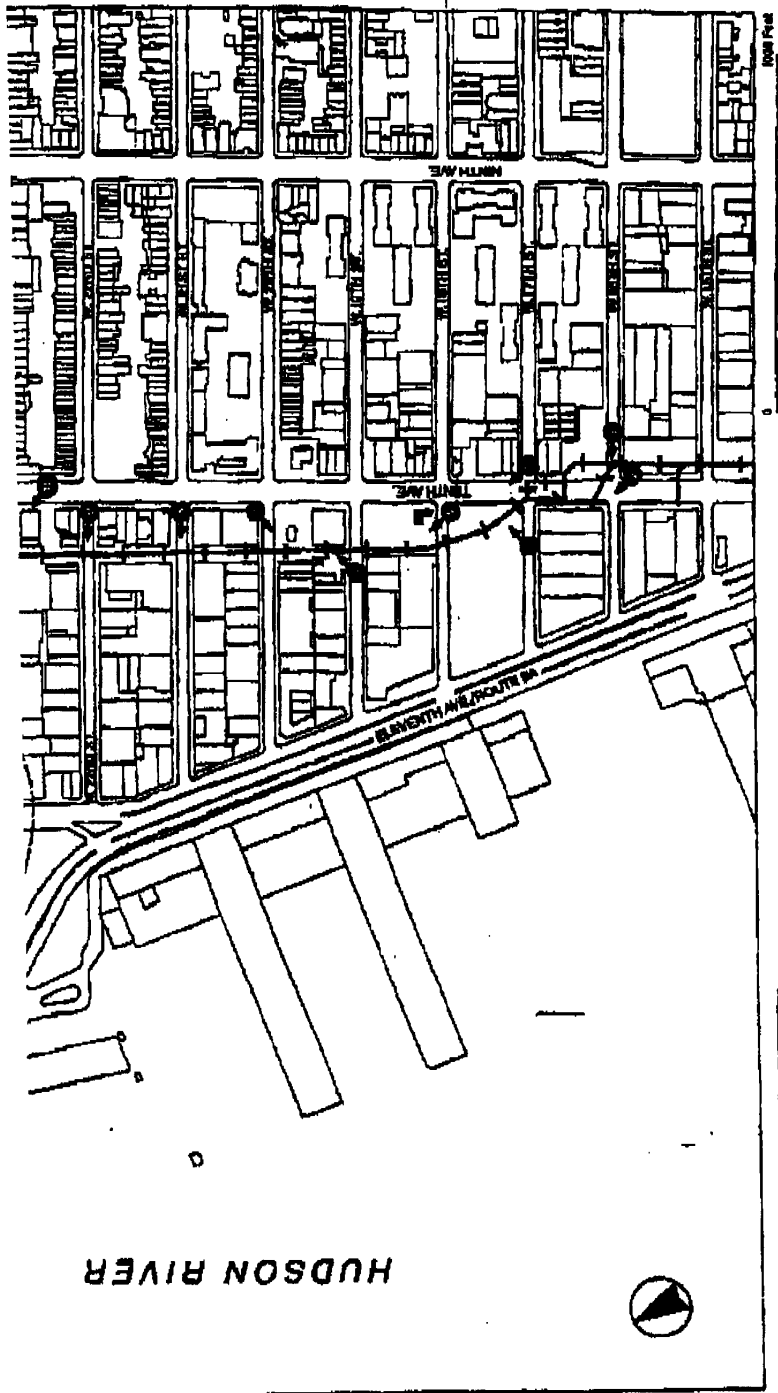
Between West 16th and West 33rd Streets, the High Line has an identical appearance to the southern portion that runs south of West 18th Street through the Gansevoort Market area. Where the High Line crosses over streets, the steel trestles have a decorative appearance. Above the trestle structure, there are parapets ornamented with recessed panels and decorative riveting. Railings on the parapets contain panels with raised diamond and square patterns. The railings are also ornamented with decorative riveting. Exceptions to the trestle form are found over Eleventh Avenue, where the wide steel trestle is purely structural without an ornamental parapet or railing, and over West 33rd Street where the trestle is similar to the one over Eleventh Avenue. In general, the trestles over the narrow side streets do not place stanchions in the sidewalks. In those locations, the steel stanchions nearest the street are located just within the lot lines. Over wide crossings—over Tenth Avenue between West 16th and West 17th Streets, over West 23rd Street, over Tenth Avenue at West 30th Street, and over West 30th

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High Line Documentation

Figure 1

NO. 7 SUBWAY EXTENSION-HUDSON YARDS REZONING AND DEVELOPMENT PROGRAM

